

### **REMARKS**

Claims 1– 8 are pending and under consideration in the above identified patent application.

In the Office Action, Claims 1– 8 were rejected.

In this Amendment, Claims 1, 7 and 8 are amended. No new matter was introduced as a result of this amendment.

Accordingly, Claims 1– 8 remain at issue.

#### **II. 35 U.S.C. § 102 Anticipation Rejection of Claims**

Claims 1, 4, 7 and 8 are rejected under 35 U.S.C. § 102(e) as being anticipated by Tracton (U.S. Patent No. 6,470,378).

Claim 1 is directed to an information processing system for distributing content to another device via a network. The information processing system comprises first receiving unit, a reading unit, a format converting unit, and distributing unit.

Claim 1 recites that “first receiving unit configured to receive from another device, via the network, *an initial communication of* application information that identifies an application via which the content can be accessed, content identifying information and format identifying information.”

Thus, the another device initially instructs the first receiving unit about which content is requested for access, and provides only application information that identifies the application via which the content can be accessed, content identifying information and format identifying information;

In contrast, as the Examiner pointed out Tracton states that (emphasis added):

“When a client contacts the server, and selects an item on a web page corresponding to the presentation, it is preferable that the server ensure that the client can realistically retrieve and display the selected information. Determining which source content to make available to the client is a somewhat complex task. *Traditionally, servers notify the client of available sources 122, 124, 126, and the client is made responsible for selecting an appropriate source.* Typically, *the client is prompted to choose according to the speed of the client's network connection 114 to the Internet.* In the context of web browsers (client network application 112) and web servers 118, choices are presented by web links to the different sources 122, 124, 126.

See column 4, lines 50 – 62, and that:

“When a client contacts a server, the server's web server receives a connection request 160. *In response to the connection request, the server (typically) sends 162 the client HTML formatted data. Embedded within this data are programming instructions to cause the client to create a characteristic profile containing the client's processing ability and network configuration, and to send the profile to the server.* So, when the browser receives 166 the instructions, it processes 168 the embedded instructions, which in turn call routines built into the browser. Note that security models imposed on processing Internet data generally prevent web browsers from directly executing code received from a server. Thus, it is required that the data (e.g., JavaScript code) call known to be safe built-in routines. In alternate non-browser contexts, or when security is disabled, this two-tiered approach may not be necessary, and the code may be directly executed.

Thus, *after executing the code, and the desired client data retrieved 168, a client characteristic profile is generated 170. This profile is then sent 172 to the server. In one embodiment, the client data includes detailed information about the client architecture and network configuration.* For example, the profile can include processor data such as number of processors, speeds, types, cache and memory management, stepping, special-purpose instructions (e.g., 2D/3D rendering support, or high-end mathematics), as well as network theoretical-speed, actual-throughput, type (e.g., TCP/IP, IPX, AppleTalk), routing data, firewall latency, etc. *On receipt of this data, the server can appropriately scale 174 the original source content according to client capabilities, network speed, and other abilities/restrictions indicated in the profile.* The scaled content is then sent 176 to the client. However, there are circumstances where a server might not want to dynamically scale data, and instead wants to direct the client to certain web locations depending on the client's characteristic profile.”

See Column 5, lines 30 – 65. Thus, in Tracton the server (first receiving unit) instructs the client (another device) requires that a characteristic profile is provided that enables the server to determine which application to be used by the client to access the content and to appropriately format the content for the client. Hence, Tracton fails to teach or suggest that the client provides in an initial communication with the server application information that identifies the application via which the content can be accessed, content identifying information and format identifying information.

Accordingly, Applicant respectfully submits that Tracton does not anticipate Applicant' invention as set forth in Claim 1 because the cited reference fails to teach every element and limitation of the claims at issue. In particular, the '378 patent fails to disclose a first receiving unit configured for receiving from another device, via the network, in an initial communication application information that identifies an application via which the content can be accessed, content identifying information and format identifying information, as set

forth in Claim 1 as presently amended. Accordingly, Claim 1 is patentable over Tracton, as are dependent Claims 2 – 6 for at least the same reasons.

Claims 7 and 8 recite the same distinguishing limitation as that of Claim 1. Thus, Claims 7 and 8 are also patentable over Tracton.

Accordingly, Applicant respectfully requests that the 35 U.S.C. § 102 (e) rejection of claims be withdrawn.

### **III. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Tracton (U.S. Patent No.: 6,470,378) in view of Shan-Nazaroff (U.S. 6,157,377).

Claims 2, 3, 5, and 6 are dependent on Claim 1, shown above to be patentable over Tracton. Moreover Shan-Nazaroff does not suggest or teach the limitation shown above to be lacking in Tracton. Thus, Claim 1 is patentable over Tracton and Shan-Nazaroff, taken singly or in combination with each other, as are dependent Claims 2, 3, 5, and 6 for at least the same reasons.

Accordingly, Applicant respectfully requests that the 35 U.S.C. § 103(a) rejection of claims be withdrawn.

### **IV. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

Dated: April 24, 2007

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